REMARKS

This Amendment is filed in response to the Office Action ("OA") mailed on 27 February 2006. The OA sets a shortened statutory period of reply of three months, making this Amendment due, with the payment of three months of extension fees, on or before 27 August 2006. Upon entry of the present amendments, claims 1-25 and 28-40 are pending.

In the OA, the previously outstanding rejections have been rescinded in view of the new ground(s) of rejection. Specifically, claims 1-25 and 28-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Servan-Schreiber et al. (US Patent No. 6,8923,354) in view of Rakavy et al (USPN 6,317,789). For the following reasons, the claims as amended herein are not obvious over the combination of these references.

Claim 1 has been amended, as set forth above, to further recite the "user profile containing user demographic information" limitation of previously pending claim 2 and to further recite that the user demographic information "includes an e-mail address associated with the user." Applicant contends that Rakavy at 5:42-55 (the passage upon which the Examiner previously relied in rejecting claim 2's previously pending "user profile containing user demographic information" limitation) does not teach the use of "user demographic information" which "includes an e-mail address associated with the user." At col. 5, lines 42-55 Rakavy merely mentions that user preference information is used by an Advertising System Server and does not describe what type of information is actually used. Rakavy, however, later teaches that "user preference information" typically includes:

> a) Listings of advertisement categories ...;
> b) Time periods ... [for presenting] sound –only advertisements ...;
> c) Whether wallpaper or cursor advertisements are allowed;
> d) Whether animations is allowed;
> e) Time periods ... [for transmitting advertisements];
> f) Identification of the user's natural language.
>
> (Rakavy, col. 9, lines 44-59)

Thus, Rakavy does not teach, mention or suggest the use of an e-mail address, as a form of user demographic information. Since Servan-Schreiber does not teach the use of a "user profile containing user demographic information" (as acknowledged by the Examiner in the OA) and Rakavy does not teach the use of user demographic information which includes a user's e-mail address, claim 1 as amended is patentable over the cited combination of Servan-Schreiber in view of Rakavy.

Claims 2-8 and 38-39 each depend from claim 1 and are therefore patentable because they each depend from patentable independent claim 1, as discussed above.

Claim 2 has been amended by adding the word "demographic" between "user" and "information." This amendment has been made for purposes of clarity only.

Claim 4 was further rejected in view of Servan-Schreiber's teaching in the last paragraph of column 3. In this paragraph Servan-Schreiber teaches that advertisements are downloaded prior to a request for a new http connection with a web page and not during the time period between a request and a fulfillment of such request (by the browser presenting the desired web page). Thus, in Servan-Schreiber's systems a user's request for a web page is not the prompt or action which initiates the downloading of at least one message of a message set (which may contain one or more messages). Instead, the messages are downloaded prior to the user's request. In contrast, the present application teaches, as an alternative embodiment, that "The message set may be downloaded during the Internet session or may be stored during one Internet session for use in a subsequent Internet session." (See application, p. 12, lines 27-29.) In claim 4, Applicant claims one of these embodiments and uses "Internet session" in the context of an HTTP connection (which is initiated by the sending of a request and the receipt of a response providing a web page). Thus, claim 4 has been amended to specify that the "second transmission module" is "operative to transmit at least one message chosen from the base message set after receipt of the access request and prior to the transmission module transmitting the information." Servan-Schreiber's teaching that the message set is sent prior to or after, and not at a time in-between the sending of the request and the complete response transmitting the requested web page information, does not render claim 4 obvious in view of the cited combination of Servan-Schreiber in view of Rakavy. Therefore, for at least these reasons claim 5 is patentable over the cited combination of Servan-Schreiber in view of Rakavy.

Regarding claim 5, Servan-Schreiber, column 3, second paragraph has been relied upon as teaching a "second transmission module" that "**transmits** the at least one message during transmission of the information ...." (claim 5 as previously and presently pending, emphasis added). Applicant disagrees because the cited second paragraph refers to the display of a "cached advertising page" (col. 3, lines 26-27). Servan-Schreiber teaches that the "cached" advertisements are stored in the user's computer during an idle time (see col. 3, lines 1-16). Servan-Schreiber does not teach "the transmission of the message during transmission of the information" – as recited in claim 5. Therefore, for at least these reasons claim 5 is patentable over the cited combination of Servan-Schreiber in view of Rakavy.

Claim 8 is additionally patentable because it has been amended to further recite that the database is "configured for use in registering the user with one or more third party web sites." Neither Servan-Schreiber nor Rakavy teach this limitation or combination of

limitations. Therefore, for at least these reasons claim 8 is patentable over the cited combination of Servan-Schreiber in view of Rakavy.

All of the limitations of claim 9, as amended hereby, are also not taught be the combination of Servan-Schreiber in view of Rakavy. For example, the limitation of "a third module configured to present an option to a user to participate in an on-line program facilitating the providing of node targeted content" is not taught, mentioned or suggested in either of the cited references. It is Applicant's understanding that the systems taught by Servan-Schreiber and Rakavy occur automatically and that no program modules exist for the user to determine whether to participate or not participate in such systems. Therefore, for at least these reasons claim 9 is patentable over the cited combination of Servan-Schreiber in view of Rakavy.

Claims10 –20, 32-37 and 40 each depend from claim 9 and are therefore patentable because they each depend from patentable independent claim 9, as discussed above.

Claim 10 was rejected based upon Servan-Schreiber's teachings at column 2, last paragraph to column 3, first paragraph. It is Applicant's understanding that the time period referred to in this passage is not the claimed time period. In short, Servan-Schreiber describes a time period during an "idle time." (See col. 3, line 1) In contrast, the recited time period is during an "active" time, such as the time needed for the "web browser to establish the connection with the network node and to retrieve and present a viewable portion of the information." Simply put, the passage from Servan-Schreiber relied upon in the OA does not teach this limitation.

Applicant notes, however, that Servan-Schreiber does teach at col. 3, second paragraph another time period – one which could be considered to be an "active time." In this paragraph, however, Servan-Schreiber teaches that the time period is "predetermined" or "until the new web page is 'sufficiently' downloaded." (3:25-35) Claim 10, as amended, recites that the "time period" is an approximation "determined based upon the quantity of information to be retrieved." Servan-Schreiber does not teach this limitation. Therefore, for at least the foregoing reasons, claim 10 is patentable over the cited combination of Servan-Schreiber in view of Rakavy.

Claim 12 is additionally patentable because it recites that the time period is "determined based upon the quantity of data to be received and network bandwidth." In rejecting this claim, Servan-Schreiber, column 3, second paragraph and at column 4, lines 24-41 are relied upon. However, neither of these passages teach, mention or suggest the

recited limitation. Instead, they merely provide that a time period is predetermined – but do not state how this occurs. Or, that the advertisement is displayed until a given quantity of data has been "sufficiently downloaded." Applicant is not aware of any passage in Servan-Schreiber that teaches what constitutes a "sufficient" download and no teaching that the "quantity of data to be received and network bandwidth" are used in determining the time period.

One should appreciate that Servan-Schreiber essentially teaches (with regards to "sufficient download") an after the fact approach wherein the determination is made based upon how much data has been downloaded versus a predictive approach which makes determinations based upon how much is left to be downloaded and the availability of the network (i.e., the "network bandwidth") to provide the additionally needed data. Claim 12 recites the latter approach which Servan-Schreiber does not teach. Therefore, for at least these reasons, claim 12 is patentable over the combination of Servan-Schreiber in view of Rakavy.

Claim 17 is additionally patentable over the combination of Servan-Schreiber in view of Rakavy because these references do not teach the limitation of "wherein the at least one message is selected based upon user demographic information used by a registrar web site to register the user with another web site." For at least these reasons, claim 17 is patentable over Servan-Schreiber in view of Rakavy.

Claim 20 is additionally patentable because it recites that the "message presented is selected based upon the amount of the information provided by the network node." In finding this limitation taught by Servan-Schreiber, the Examiner again relies upon column 4, lines 42-60. Again, Applicant disagrees because this passage discloses that messages are based upon "user preferences" and/or "statistical profiles of users." Also, it provides that the messages web site has "no relationship with the particular content pages that are to be retrieved and displayed to the user." (col. 4, lines 42-46.) This passage does not teach that "messages" (i.e., Servan-Schreiber's advertisements) are selected based upon the "amount of information provided." For at least these reasons, claim 20 is patentable over Servan-Schreiber in view of Rakavy.

Claim 21 has been amended to further recite, "wherein the user is identified based upon demographic information provided by a registrar web site." Servan-Schreiber and Rakavy do not teach this limitation and/or this limitation combined with the other recited limitations. Therefore, for at least this reason, claim 21 is patentable over Servan-Schreiber in view of Rakavy.

Claims 22-25 and 28-31 each depend from claim 21 and are therefore patentable because they each depend from patentable independent claim 21, as discussed above.

Further, claim 22 recites that the "message is presented for a second time period, the second time period being longer than the first time period." Yet, in rejecting this claim reliance has been placed upon Servan-Schreiber's teaching:

> In an alternative embodiment of the present invention, two (or more) advertising pages are downloaded during the idle time, wherein each downloaded advertising pages is displayed successively for a period of at least, for example, four seconds for a minimum advertising display time of 8 seconds.

(column 4, lines 33-38) Applicant does not understand how the above passage teaches a second time period for the message. The passage provides that two (or more) and not "the" message are displayed successively. Displaying message A and then message B does not equate to presenting message A and then, again, message A – as is recited by claim 22. Thus, the Examiner has not set forth a prima facie showing of this additional limitation (or this limitation when combined with the other limitations) is taught by the cited prior art. Rescission of this rejection is respectfully requested.

Claim 25 has been amended to recite that the "the message is obtained from a local data store ... configured to store at least a portion of the demographic information provided by the registrar web site." Servan-Schreiber in view of Rakavy does not teach this limitation, therefore, claim 25 is patentable.

Claim 29 recites that "the loading state is user specified." In rejecting this limitation, reliance has been placed upon Servan-Schreiber at column 3, 2nd paragraph and at column 4, lines 24-41. These passages teach that the presentation of an advertisement can occur for a "predetermined time" or until a web page is "sufficiently downloaded." These passages do not teach that a user specifies what the "predetermined time" is or that the user determines when "sufficiently downloaded" occurs. Further, Servan-Schreiber provides no user interface by which a user could specify the "predetermined time" or the "sufficiently downloaded" parameters. It is Applicant's understanding that in Servan-Schreiber the determination of these parameters occurs automatically and without any user input. Since the limitation that "the loading state is user specified" is not taught by Servan-Schreiber, claim 29 is patentable over the combination of Servan-Schreiber in view of Rakavy.

Claim 32 recites that the "time period is determined based upon an operating speed of the network node providing the information." In rejecting this limitation, reliance has been

placed upon column 3, lines 10-21 of Servan-Schreiber. This passage essentially teaches that the user's computer determines whether its communication links are idle and, if so, communicates the same to a server. It does not teach that any "time period is determined." Further, it teaches that when an idle state occurs, the server sends an advertisement that is to be displayed on the user's computer at a later time. It does not teach that "on operating speed of the network node" is considered, let alone considered in determining how long an idle state is to last. Thus, the Examiner has not set forth a prima facie case of Servan-Schreiber, alone or in combination with Rakavy, teaches all of the recited limitations of claim 32. Thus, claim 32 is patentable over Servan-Schreiber in view of Rakavy.

Claim 34 recites that the "time period is determined based upon a determination of network congestion." In rejecting this limitation, reliance has been placed upon Rakavy column 7, line 41 through column 8, line 4. Here Rakavy refers to "communications line utilization rate" and "transmitting data during times of low communications line utilization." It is Applicant's understanding that the "communications line" refers to the line extending from the user's computer to a network and not to the network itself. Further, it should be appreciated that a congested "communications line" does not equate to a congested network and vice versa. Thus, Rakavy based its determination of time periods upon parameters specific to a "communications line" and not upon "network congestion" as recited in claim 34. Therefore, for at least these reasons, claim 34 is patentable over Servan-Schreiber in view of Rakavy.

Claim 35 recites that the "time period is determined based upon a configuration of a data communications path from the network node providing the information to the web browser." In rejecting this limitation, reliance has been placed upon Servan-Schreiber at Figure 2, and column 2, line 67 through column 3, line 5. This cited passage however merely establishes that a "configuration of a data communications path" (i.e., a connection is established from a user's computer to an ISP to the Internet). The cited passages does not teach that the "time period is determined based upon [that] configuration ..." Therefore, claim 35 is patentable over Servan-Schreiber in view of Rakavy.

As shown above each of the pending and new claims are patentable over the combination of Servan-Schreiber in view of Rakavy. Hence, issuance of a Notice of Allowance for each of the pending claims is respectfully requested.

This Amendment is submitted contemporaneously with a petition for a two month extension of time in accordance with 37 CFR § 1.136(a). The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please

consider this a request therefore and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner should require any additional information or otherwise desires to discuss the present matter with Applicant's attorney, please contact the undersigned attorney at (303) 260-6362.

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